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10/736,487	12/15/2003	Robert Hong Leung Chiang	9930A	3809

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EXAMINER

ALI, MOHAMMAD M

ART UNIT PAPER NUMBER

3744

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/736,487

**Applicant(s)**

CHIANG ET AL.

**Examiner**

Mohammad M Ali

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-9 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 refers to claim 1 and claim 8 refers to claim 2 (claim 1-2 are cancelled claims).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Renard (5,502,979) in view of Hansen et al. (3,741,242). Renard discloses a refrigerated display cabinet comprising an insulated (a refrigerated cabinet is inherently insulated) cabinet

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50 defining a product display area/shelves 1 maintained in a refrigerated condition at a temperature above 32 degree F (refrigerated space excluding freezer space is obviously at a temperature above 32 degrees F) and having a compartment 37 separate from the product display area 1 an evaporator 28 disposed in the compartment 37; at least one air circulator 29 disposed within the compartment 37 in cooperative relationship with the evaporator 28; and an air circulation circuit (23-26) connecting the product display area 1 and in direct air flow communication with the compartment 37. Renard discloses the invention substantially as claimed as stated above. See Fig. 2. However, Renard does not disclose a relatively high-pressure drop evaporator. Hansen et al. teach the use of a high-pressure drop evaporator in a refrigeration system for the purpose of running a refrigeration system. See column 3, lines 20-23. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the refrigerated display cabinet of Renard in view of Hansen et al. such that a high-pressure drop evaporator could be provided to in order to run a refrigeration system.

Claims 9, 11, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renard in view of Hansen et al. as applied to claim 6 above, and further in view of Car et al. (5,157,941). Renard in view of Hansen et al. discloses the invention substantially as claimed as stated above. However Renard in view of Hansen et al. does not disclose a fin density of at least 6 fins per inch. Car et al. teach the use of an evaporator having a fin density of 8 fins per inch in an evaporator for the purpose of running a refrigeration system. See column 3, lines 57. Therefore, it would have been obvious to one having

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ordinary skill in the art at the time the invention was made to modify the refrigerated display cabinet of Renard in view of Hansen et al. and further in view of Car et al. such that an evaporator with a fin density of 8 fins per inch could be provided to in order to run a refrigeration system.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Renard in view of Hansen et al and Car et al. as applied to claim 9 above, and further in view of Navarro (6,145,327). Renard in view of Hansen et al. and Car et al. discloses the invention substantially as claimed as stated above. However Renard in view of Hansen et al. and Car et al. does not disclose a plurality of fans. Navarro teaches the use of a plurality of fans 16 along an evaporator coil 17 in a refrigerated case for the purpose of running a refrigeration system. Fig. 7. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the refrigerated display cabinet of Renard in view of Hansen et al., Car et al. and further in view of Navarro such that a plurality of fans could be provided to in order to run a refrigeration system. For spacing the fan at a specific distance of 2 feet is an obvious choice of the individual skilled in the art since there is no criticality or unexpected result from it

***Allowable Subject Matter***

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Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier from the examiner should be directed to Mohammad M. Ali, whose telephone number is (703) 308-5032. The examiner can be reached from 6:10am to 4:30pm from Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Esquivel, can be reached at (703) 308-2597. The fax number for the organization where this application or proceeding is assigned is 703-308-7764 for regular communications and after-final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

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May 6, 2004

*William E. Tapolcai*  
William E. Tapolcai  
Primary Examiner  
Art Unit 344